

ZONING BOARD OF APPEALS

Tuesday, May 15, 2007

6:30 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

ZBA Members:

Alice Howard
Fred Money
David Peterson
Tom Przytulski, Jr.
Dan Roszkowski

Absent:

William Orr
Tom Morgan, Chairman

Staff:

Todd Cagnoni – Manager of Current Planning
Sandra Hawthorne – Administrative Assistant
Jon Hollander – City Engineer, Public Works
Kerry Partridge – City Attorney, Legal Department
Frank Schmitt – Chief, Fire Prevention Division

Others:

Kathy Berg, Stenographer
Applicants and Interested Parties
Alderman Victory Bell (left at 7:20 P.M.)
Alderman Doug Mark
Alderman Jeff Holt (arrive at 7:00)

The meeting started at 6:30 P.M. A **MOTION** was made by Fred Money to **APPROVE** the minutes of the April 17, 2007 meeting as submitted. The Motion was **SECONDED** by Dan Roszkowski and **CARRIED** by a vote of 5-0 with Chairman Tom Morgan and William Orr absent.

020-07

3415 Auburn Street

Applicant
Ward 7

Noah L. Sanders

Special Use Permit for a auto repair shop that does not satisfy the Performance Criteria of 600 feet away from a residential district in a C-3, Commercial General Zoning District

The subject property is located 3 blocks east of the Auburn Street and North Central Avenue intersection. Randy Sanders, representing the applicant, reviewed the request for Special Use Permit. He stated no major repairs will be done on vehicles. Any vehicles that need to be stored overnight will be stored inside the building.

Staff Recommendation was for Approval with 7 conditions. No Objectors were present.

A **MOTION** was made by Fred Money to **APPROVE** the Special Use Permit for a auto repair shop that does not satisfy the Performance Criteria of 600 feet away from a residential district in a C-3, Commercial General Zoning District at 3415 Auburn Street. The Motion was **SECONDED** by Dan Roszkowski and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. That the property and use shall comply with all Building and Fire Codes.

2. Submittal of detailed landscape plan to include the type of species to be planted for Staff's review and approval.
3. No outside storage of any auto parts, equipment, materials or inoperable vehicles.
4. Site plan showing Dumpster enclosure and material that must be approved by Staff.
5. Disposal and storage of hazardous materials must follow the Illinois Environmental Protection Agency guidelines.
6. All conditions must be met prior to establishment of use.
7. There shall be no overnight storage of vehicles on the property.

ZBA 020-04
Findings of Fact for a Special Use Permit
For an Auto Repair Shop That Does Not Satisfy the Performance Criteria
of 600 Feet Away from a Residential District
In A C-3, Commercial General Zoning District at
3415 Auburn Street

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-3 Zoning District in which it is located.

021-07	<u>4804 Crescent Drive</u>
Applicant	Daniel R. LaBine
Ward 14	Variation to allow a pool and deck in the front yard as a permitted obstruction in an R-1, Single-Family Residential District

The subject property is located on the northeast corner of Crescent Drive and Easton Parkway. This application is a result of a notification to the applicant of violation. The violation existed prior to the January 2006 purchase by the current owners and as such they have not been formerly cited for the violation. Since this is a corner lot, Mr. LaBine's property is considered to have two front yards. Daniel LaBine, Applicant, reviewed the request for Variation, explaining that this structure was already built when he purchased the home. Mr. LaBine felt this was the only area on the property that would accommodate the pool with deck. Since this is a corner lot, Mr. LaBine's property is considered to have two front yards.

The existing deck and pool were built in 1999. Although a zoning clearance was issued for a building permit, the site plan submitted did not indicate this was a corner lot. Also, the location of the pool and deck as shown on the submitted plan at time of construction indicated a further distance from the property line than what was actually constructed.

Staff Recommendation was for Denial.

Raymond Young, 1313 Hillcrest Road, was present. Mr. Young stated he was not an Objector but did have questions about the location of the pool.

In explanation to the Board, Mr. Cagnoni stated the pool would need to be dismantled and relocated behind the setback line if this application were denied. Mr. Roszkowski stated according to the aerial of the property submitted, the pool could be moved to the east and meet setback requirements. Mr. Money asked if this permit was obtained under false pretenses. Mr. Cagnoni explained the site plan submitted by the previous owner did not identify Easton Parkway as adjacent to the property. In 1999 when this permit was applied for, the City did not have access to aerial photographs that would indicate this was a corner lot and issued the permit based on the drawing submitted by the former owner. Mr. Cagnoni further explained the City typically does not do inspection of pools. Staff felt there was nothing malicious done by this owner as far as inaccurate information.

A **MOTION** was made by Tom Przytulski to **APPROVE** the Variation to allow a pool and deck in the front yard as a permitted obstruction in an R-1, Single-Family Residential District at 4804 Crescent Drive. The Motion was **SECONDED** by David Peterson and **FAILED TO CARRY** by a vote of 3-2 with Dan Przytulski and Fred Money voting Nay. A **MOTION** was made by Fred Money to reconsider, **SECONDED** by Dan Roszkowski. Motion **PREVAILED** by a vote of 5-0.

A second **MOTION** was made by Dan Roszkowski to **LAY OVER** the Variation to allow a pool and deck in the front yard as a permitted obstruction in an R-1, Single-Family Residential District at 4804 Crescent Drive to the June 19, 2007 meeting. The Motion was **SECONDED** by Fred Money and **CARRIED** by a vote of 5-0.

022-07	<u>1250, 1302 East State Street & 1257 Revell Avenue</u>
Applicant	Glenn Evans / SwedishAmerican
Ward 2	Zoning Map Amendment from R-1, Single-family, R-2, Two-family, and C-1, Limited Office District to C-2, Commercial District

Scott Perian from William Charles and Karen Walsh from Walsh Real Estate were present. Mr. Perian reviewed the application. He stated it is the intent of the applicant to construct an outpatient dialysis center/medical facility. Ms. Walsh stated there would be 12 beds in the center. Staff had recommended doing a Planned Mixed Use Development rather than changing zoning to Commercial and the Applicant is agreeable. Mr. Perian stated the Applicant is agreeable to parking being moved from the front and loading activity to the rear of the building. The Applicant is in disagreement with having a shared access with the property to the east, the elimination of access to Revell, and shared parking to the south. Regular semi trucks would be making one delivery per week, entering and exiting off of State Street. Mr. Cagnoni stated Staff has received a letter from SwedishAmerican expressing their willingness to work with the City to develop this property. Staff feels there could be alternatives that would allow the access to be as proposed.

Staff Recommendation was for Denial of the Zoning Map Amendment, but Approval of a Planned Mixed-Use Development, which would allow the Applicant to construct the facility without changing the zoning of the parcels. Recommendation of approval included 6 conditions.

Nelly Raleigh, 1244 E. State Street was not objecting to the project, but was concerned that access would be on her property. It was explained that access would only be on the Applicant's property. Robert Raleigh asked about exiting on Revell. He stated this would not get back to State without circling through the area.

A **MOTION** was made by Dan Roszkowski to **DENY** the Zoning Map Amendment from R-1, Single-family, R-2, Two-family, and C-1, Limited Office District to C-2, Commercial District, and to **APPROVE** a Planned Mixed Use Development for a Medical Office/Clinic Facility in a R-1, Single-family, R-2, Two-family and C-1, Limited Office Zoning District at 1250, 1302 East State Street and 1257 Revell Avenue. The Motion was **SECONDED** by Tom Przytulski and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Meeting all applicable Building and Fire Codes.
2. The 1250 East State Street single-family residence shall remain on the property and not be demolished.
3. Building materials and architectural features for the proposed building shall be reviewed and approved by Staff prior to the issuance of building permit.
4. As the site develops submittal of landscaping, signage, illumination, dumpster locations, will be required for Staff review and approval and meet all applicable codes and ordinances prior to the issuance of building permit.
5. Any future signage shall be monument style not to exceed 8' in height and the materials shall match that of the approved façade of the building on-site.
6. That a replat is approved for the property in accordance with the City's Subdivision regulation inclusive of required public improvements prior to issuance of building permit and development of site.

ZBA 022-07
Findings of Fact for Denial of a Zoning Map Amendment
From R-1, Single-Family, R-2, Two-Family, and C-1, Limited Office District
To C-2, Commercial District at
1250 & 1302 East State Street & 1257 Revell Avenue

Denial of this Zoning Map Amendment is based upon the following findings:

1. The proposed Zoning Map change is not consistent with Article II, Intent and Purpose, of the Rockford Zoning Ordinance for the following reasons:
 - a. This proposal does not promote the health, safety, comfort, convenience, morals and general welfare for the citizens of Rockford because it is not consistent with the comprehensive plan and surrounding uses;
 - b. This proposal does not protect the character, scale and stability of the adjacent residential and commercial because the proposed development will not meet all development requirements of this site; and
 - c. The proposed map amendment would not allow for a reasonable development to take place consistent with the surrounding neighborhood
2. The proposed Zoning Map Amendment is not consistent with the approved general plan, the Year 2020 Plan, for the area. The 2020 Plan designates this property as CO/O, Office Overlay and RL, Light Residential

ZBA 022-07
Findings of Fact for a Special Use Permit For a Planned Mixed Use Development
For a Medical Clinic/Facility and Office
In An R-1, Single Family, R-2, Two Family and C-1, Limited Office District at
1250 & 1302 East State Street and 1257 Revell Avenue

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.

4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the R-1, Single-family Residential, R-2, Two-family Residential and C-1, Limited Office Zoning Districts in which it is located.

023-07 1822 National Avenue

Applicant Chad Aumann

Ward 3

- (A) **Variation** to reduce the rear yard setback for an accessory building from 2 ½ feet to 0 feet along the north property line
- (B) **Variation** to increase the maximum height of an accessory building from 18 feet to 21.5 feet in a R-1, Single-family Residential Zoning District

The subject property is located approximately 225 feet north of the Hancock Street and National Avenue intersection. Mr. Aumann is requesting to replace the existing garage with a new garage approximately 20' x 20'. He stated he would like to keep the existing foundation if possible, but it is uncertain at this time if that could be done. Alderman Doug Mark spoke in support of this project, stating it fits in with the same size and consistency as a lot of garages in that area. Mr. Cagnoni verified the size of the proposed garage is consistent with City ordinance.

Staff Recommendation was for Denial of the Variation to reduce the rear yard setback, and Approval of the Variation to increase the maximum height of an accessory building, with 1 condition. No Objectors were present.

A **MOTION** was made by Tom Przytulski to **DENY** the Variation to reduce the rear yard setback for an accessory building from 2 ½ feet to 0 feet along the north property line, and to **APPROVE** the Variation to increase the maximum height of an accessory building from 18 feet to 21.5 feet in a R-1, Single-family Residential Zoning District at 1822 National Avenue. The Motion was **SECONDED** by Fred Money and **FAILED TO CARRY** by a vote of 2-3. A **SECOND MOTION** was made by Dan Przytulski to **APPROVE** the Variation to reduce the rear yard setback for an accessory building from 2 ½ feet to 0 feet along the north property line, and to **APPROVE** the Variation to increase the maximum height of an accessory building from 18 feet to 21.5 feet in a R-1, Single-family Residential Zoning District at 1822 National Avenue. The Motion was **SECONDED** by Fred Money and **CARRIED** by a vote of 4-1, with Tom Przytulski voting Nay.

Approval is subject to the following conditions:

1. If approved by City Council, Staff would recommend that the proposed garage is no closer to the property lines than the existing setbacks (garage).

ZBA 023-07
Findings of Fact for Approval of a Variation
To Reduce the Rear Yard Setback for an Accessory Building
From 2 ½ Feet to 0 Feet Along the North Property Line
In a R-1, Single-Family Residential District Located at
1822 National Avenue

Approval of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.

2. The conditions upon which a petition for a Variation is based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of the Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of the Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

ZBA 023-07
Findings of Fact for a Variation
To Increase the Maximum Height of an Accessory Building
From 18 Feet to 21 ½ Feet in an R-1, Single-Family Residential District at
1822 National Avenue

Approval of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for a Variation is based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of the Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of the Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, nor substantially increase the congestion of the public streets, nor increase the danger of fire, or endanger the public safety, nor substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

024-07

Applicant
Ward 1

701 Highgrove Place

Thai Hut Restaurant, Inc.

Special Use Permit for sale of liquor by the drink in conjunction with a sit down restaurant with only indoor seating in a C-2, Commercial Community Zoning District

This property is located on the northwest corner of Fincham Drive and Highgrove Place and is currently vacant land. Nick Zimmerman reviewed the request for Special Use Permit. He explained the Applicant currently has a restaurant on Sandy Hollow and would like to open a second restaurant at this location. This new restaurant will be on a slightly higher scale than the other. He explained that the proposed square footage has increased to 4300 square feet since the original application. Seating in the restaurant area would increase to 129, with bar seating to remain at 8.

Staff Recommendation was for Approval with 3 conditions. No Objectors were present.

A **MOTION** was made by Fred Money to **APPROVE** the Special Use Permit for sale of liquor by the drink in conjunction with a sit down restaurant with only indoor seating in a C-2, Commercial Community Zoning District at 701 Highgrove Place. The Motion was **SECONDED** by Dan Roszkowski and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Compliance with all City of Rockford Liquor Codes.
2. The sale of liquor by the drink is in conjunction with the restaurant.
3. Meeting all applicable Building and Fire Codes.

ZBA 024-07

Findings of Fact for a Special Use Permit

**For the Sale of Liquor by the Drink in Conjunction with a Sit-Down Restaurant
With only Indoor Seating in a C-2, Commercial Community Zoning District at
701 Highgrove Place**

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-3 Zoning District in which it is located.

025-07

Applicant
Ward 5

604, 605, 611 & 622 Salter Avenue & 1510 West Street

Rev. K. Edward Copeland / New Zion Baptist Church

- (A) **Special Use Permit** for a church and a multifunctional community center that will house various community and religious related services and activities, such as an office space for various community and non-profit agencies, classrooms for Sunday School and after school programs and community related seminars during the week, a large open space for banquets, weddings, receptions, concerts, and other large events, and spaces designated for daycare and senior drop in center
- (B) **Variation** from the required 30-foot front yard setback along Salter Avenue to 16' 8"
- (C) **Variation** from the required parking spaces to 88 parking spaces
- (D) **Variation** to allow landscaping as per submitted landscaping plan, in an R-1, Single-Family Residential District

These properties are to the southwest of the central business downtown area of the City.

Rev. K. Edward Copeland, Steve Schmeling, and Alderman Victory Bell were present. Rev. Copeland felt the Zoning Recommendation explained the request so stated he would allow that to stand and answer any questions the Board may have. Alderman Bell spoke in strong support of this project.

Staff Recommendation was for Approval of all requests with 4 conditions. No Objectors were present.

A **MOTION** was made by Dan Roszkowski to **APPROVE** the (A) Special Use Permit for a church and a multifunctional community center that will house various community and religious related services and activities, such as an office space for various community and non-profit agencies, classrooms for Sunday School and after school programs and community related seminars during the week, a large open space for banquets, weddings, receptions, concerts, and other large events, and spaces designated for daycare and senior drop in center; **APPROVE** the (B) Variation from the required 30-foot front yard setback along Salter Avenue to 16' 8"; to **APPROVE** the (C) Variation from the required parking spaces to 88 parking spaces; and to **APPROVE** the (D) Variation to allow landscaping as per submitted landscaping plan, in an R-1, Single-Family Residential District at 604, 605, 611 & 622 Salter Avenue, and 1510 West Street. The Motion was **SECONDED** by Tom Przytulski and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Submittal of a site plan for Staff review and approval.
2. Submittal of a revised landscaping plan including size and botanical name of species for Staff review and approval.
3. Compliance with the Public Works requirements for the Weldon Street Vacation
4. Meeting all applicable Building and Fire Codes.

ZBA 025-07

Findings of Fact for a Special Use Permit

For a Church and a Multifunctional Community Center that will House Various Community and Religious Related Services and Activities, Such as An Office Space for Various Community and Non-Profit Agencies, Classrooms for Sunday School and After-School Programs, Community Related Seminars During the Week, a Large Open Space for Banquets, Weddings, Receptions Concerts, And Other Large Events, and Spaces Designated for Daycare and Senior Drop-In Center In an R-1, Single-Family Residential District at 604, 605, 611 & 622 Salter Avenue & 1510 West Street

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the R-1 Zoning District in which it is located.

ZBA 025-07
Findings of Fact for a Variation
From the Required 30-Foot Front Yard Setback Along Salter Avenue
To 16' 8" in an R-1, Single-Family Residential District at
604, 605, 611 & 622 Salter Avenue and 1510 West Street

Approval of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for a Variation is based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of the Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of the Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, nor substantially increase the congestion of the public streets, nor increase the danger of fire, or endanger the public safety, nor substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

ZBA 025-07
Findings of Fact for a Variation
From the Required Parking Spaces to 88 Parking Spaces
In a R-1, Single-Family Residential District at
604, 605, 611 & 622 Salter Avenue and 1510 West Street

Approval of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for a Variation is based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of the Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of the Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, nor substantially increase the congestion of the public streets, nor increase the danger of fire, or endanger the public safety, nor substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

ZBA 025-07
Findings of Fact for a Variation
To Allow Landscaping as Per Submitted Landscaping Plan
In an R-1, Single-Family Residential District at
604, 605, 611 & 622 Salter Avenue and 1510 West Street

Approval of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for a Variation is based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of the Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.

5. The granting of the Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, nor substantially increase the congestion of the public streets, nor increase the danger of fire, or endanger the public safety, nor substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

025-07 3555 McFarland Road

Applicant
Ward 4

Daniel Saavedra
Modification of Special Use Permit Ordinance #1993-282-0 for a church and related activities, including daycare and possible day school approved on November 1, 1993 to allow for church addition that will consist of classrooms, a fellowship hall, and a kitchen in an R-1, Single-Family Residential District

The subject property is located on the southeast corner of McFarland Road and Meadow Trace. Daniel Saavedra, Applicant, Steve Nailor, David Aslesen and Alicia DiBenedetto were present. Mr. Saavedra reviewed the request for Modification of Special Use Permit. This existing church has grandfathered rights and Mr. Saavedra explained they would like to add a new building for use as a multi-functional community center.

Staff Recommendation was for Approval with 3 conditions. No Objectors were present; however, there were two neighboring property owners with questions.

Daniel Porter, 3645 Laura Lane, asked about plans for parking and access on to Laura Lane. Mr. Aslesen stated no additional parking area would be added, and the Applicant does not anticipate an access on to Laura Lane.

Don Kasuboske, 7188 Meadow Trace asked the size of the addition. The gross floor area for the proposed building would be 21,357 square feet. Mr. Aslesen stated there are no plans in the immediate future to create an access to Meadow Trace.

A **MOTION** was made by Tom Przytulski to **APPROVE** the Modification of Special Use Permit Ordinance #1993-282-0 for a church and related activities, including daycare and possible day school approved on November 1, 1993 to allow for church addition that will consist of classrooms, a fellowship hall, and a kitchen in an R-1, Single-Family Residential District at 3555 McFarland Road. The Motion was **SECONDED** by Fred Money and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Submittal of a site plan for Staff review and approval.
2. Submittal of a modified landscaping plan including size and botanical name of species for Staff review and approval.
3. Meeting all applicable Building and Fire Codes.

ZBA 025-07
Findings of Fact for a Modification of Special Use Permit Ordinance #1993-282-0
For a Church and Related Activities, Including Day Care and Possible Day School
Approved on November 1, 1993 to Allow for a Church Addition
That will Consist of Classrooms, A Fellowship Hall and a Kitchen
In an R-1, Single-Family Residential District at
3555 McFarland Road

Approval of this Modification of Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Modification of Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Modification of Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the R-1, Single-Family Residential Zoning District in which it is located.

027-07 Applicant Ward 10	<u>1603 North Alpine Road, Suites 101, 105, 109, 113</u> Gregory R. Orput Variation to increase the maximum allowable square footage from 480 to 700 square feet for a wall sign within the shopping center on the southwest corner of the building in a C-3, Commercial General District
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This property is within the Edgebrook Shopping Center and is the now vacated Walgreen's store. Gregory Orput, Applicant, reviewed the request for Variation. Mr. Orput stated he is in the process of renovating the Edgebrook Center to a more modern feel that will attract tenants. Part of that renovation includes a redesign of the logo. Mr. Orput explained this mural design would wrap around one corner of the wall. Two types of signs were proposed: one consisting of multiple hard panels and one consisting of a vinyl banner within a frame. Mr. Orput stated his choice would be the vinyl banner because of cost efficiency.

Staff Recommendation was for Approval with 2 conditions.

Mr. Cagnoni stated this building could support a sign of this size. Staff had a concern with a vinyl sign because they have a tendency to stretch and get air under them. He stated Staff would be agreeable to a panel type sign. Mr. Orput stated if the vinyl design was not approved, they could pursue a different avenue that would be aesthetically pleasing.

Mr. Cagnoni suggested adding condition 3, that the sign be constructed as shown on the submitted drawing.

A **MOTION** was made by Dan Roszkowski to **APPROVE** the Variation to increase the maximum allowable square footage from 480 to 700 square feet for a wall sign within the shopping center on the southwest corner of the building in a C-3, Commercial General District at 1603 North Alpine Road, Suites 101, 105, 109, 113. The Motion was **SECONDED** by Fred Money and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. A permanent sign permit must be obtained and be in accordance to Exhibit D.
2. The location of the sign is restricted to the area shown on Exhibit F.
3. Sign shall be constructed as shown on the submitted drawing.

ZBA 027-07

Findings of Fact for a Variation

**To Increase the Maximum Allowable Square Footage from 480 to 700 Square Feet
For a Wall Sign Within the Shopping Center on the Southwest Corner of the Building
in a C-3, Commercial General Zoning District at
1603 North Alpine Road, Ste. 101, 105 and 113**

Approval of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, the sign would not be viewed from all streets which causes a hardship to the owner as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for a Variation is based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of the Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance because it restricts the square footage and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of the Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, nor substantially increase the congestion of the public streets, nor increase the danger of fire, or endanger the public safety, nor substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance and with conditions of approval.

028-07

Applicant
Ward 1

7050 Fincham Drive

Perryville Center, L.L.C.

Special Use Permit for an off-site business advertising freestanding sign in a C-2, Commercial Community Zoning District

This property is located on the northwest corner of the intersection of Fincham Drive and Perryville Road. A Declaration of Sign Easement was submitted by the applicant, which established the easement on the southeast corner of the lot. Benjamin Bernstein, representing First Rockford Group, reviewed the application. He explained this is a 10 x 25 foot sign easement with the intent for the future development of Highgrove Place. The Applicant feels the pylon sign will play an important role in the success of those businesses advertised that are set back from Perryville. Mr. Bernstein stated the Applicant is not in agreement with Staff condition #2 that no other advertising signage be allowed on Lot 7.

Staff Recommendation was for Approval with 2 conditions.

Richard Bertone, Discount Tire Company, had questions. It was clarified that the sign would be at the corner of their parking lot. Mr. Bernstein specified that this sign will be 10 feet from the property, so will not reach the parking lot, nor overhang the parking lot. The sign will be perpendicular to Perryville Road. Mr. Bernstein explained that the sign easement was in effect when Discount Tire purchased the property. He stated the Applicant would be willing to work with Discount Tire to assure any issues would be worked out.

A **MOTION** was made by Dan Roszkowski to **APPROVE** the Special Use Permit for an off-site business advertising freestanding sign in a C-2, Commercial Community Zoning District at 7050 Fincham Drive. The Motion was **SECONDED** by Fred Money and **CARRIED** by a vote of 5-0

Approval is subject to the following conditions:

1. Submittal of a revised plan for staff review and approval.
2. No freestanding sign advertising the shopping center and tenants shall be installed on Lot #7 of Plat Perryville Center #3.

ZBA 028-07
Findings of Fact for a Special Use Permit
For an Off-Site Business Advertising Freestanding Sign
in a C-2, Commercial Community Zoning District at
7050 Fincham Drive

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-2, Commercial Community Zoning District in which it is located.

029-07 **2201 North Main Street**
Applicant Dan Roszkowski
Ward 12 **Special Use Permit for a Planned Mixed-Use Development** for an auto repair facility in
a C-2, Commercial Retail District

Prior to the meeting, a written request was received from the Applicant to Lay Over this item to the June 19th agenda.

A **MOTION** was made by Tom Przytulski to **LAY OVER** the Special Use Permit for a Planned Mixed-Use Development for an auto repair facility in a C-2, Commercial Retail District at 2201 North Main Street. The Motion was **SECONDED** by Fred Money and **CARRIED** by a vote of 4-0, with Dan Roszkowski abstaining.

030-07 **211A Elm Street**
Applicant Judith Dierks
Ward 3 **Special Use Permit** for the sale of liquor by the drink in conjunction with a
café/restaurant in a C-4, Commercial Oldtown Zoning District

The subject property is located on the northwest corner of Elm Street and Wyman Street and is the previous Quizno's location. Judith Dierks, Chris Wachowiak, and Alderman Doug Mark were present. Mr. Wachowiak reviewed the request for Special Use Permit. He stated the hours of operation at this time were unknown, but could be from 9:00 A.M. to 2:00 A.M. Mr. Cagnoni clarified that outside sales would be permissible in the downtown mall. Alderman Mark spoke in favor of this application.

Staff Recommendation was for Approval with 1 condition. No Objectors were present.

A **MOTION** was made by Tom Przytulski to **APPROVE** the Special Use Permit for the sale of liquor by the drink in conjunction with a café/restaurant in a C-4, Commercial Oldtown Zoning District at 211A Elm Street. The Motion was **SECONDED** by Fred Money and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Compliance with all City of Rockford Liquor Codes.

ZBA 030-07
Findings of Fact for a Special Use Permit
For the Sale of Liquor by the Drink In Conjunction
With a Café/Restaurant in a C-4, Commercial Old Town Zoning District at
211A Elm Street

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.

5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-3, Commercial Zoning District in which it is located.

031-07 Withdrawn

032-07 1816 11th Street

Applicant Jeffrey Myers

Ward 11

Special Use Permit for a Performance Use consisting of a car wash, auto repair, tire shop and auto sales that can not satisfy the performance criteria of 600 feet from a residential district in an I-1, Light Industrial District

This property is located on the northeast corner of 11th Street and 18th Avenue and was the former White Bear Cleaners, most recently a pallet business. The building has been vacant since the Special Use Permit for the pallet business was revoked in 2000. This request was filed as a result of a zoning violation for the same property for outside storage use. Rigoberto Nunez, David Madrigal, and Jeffrey Myers were present. Mr. Myers reviewed the request for Special Use Permit. Mr. Nunez and Mr. Madrigal would be the owners of the business. Per Staff's recommendation, the Applicant has agreed to withdraw the use for auto sales. Mr. Nunez stated they do not own any other business within the City.

Dan Roszkowski asked the Applicants what their plans were for the outside of the building. Mr. Nunez stated painting, landscaping, repairing holes as necessary.

Staff Recommendation was for Approval of the Special Use Permit for the car wash, auto repair, and tire shop, and Denial of auto sales, with 5 conditions. Objectors were present. A letter of Objection was also received by Jeanne Willhoite, State License & Title Service, 1616 18th Avenue, stating she was in objection to the request.

Alderman Jeff Holt stated he has not been contacted by the applicants. He stated the landscaping plan submitted is acceptable to him, but he objects to the use of auto sales. He would like to see a revised site plan showing dumpster location and enclosure and asked that conditions be added restricting repair to vehicles on the outside of the building.

A **MOTION** was made by Dan Roszkowski to **DENY** the Special Use Permit for a Performance Use consisting of a car wash, auto repair, tire shop and auto sales that can not satisfy the performance criteria of 600 feet from a residential district in an I-1, Light Industrial District, and to **APPROVE** a Special Use Permit for a Performance Use consisting of a car wash, auto repair, and tire shop that can not satisfy the performance criteria of 600 feet from a residential district in an I-1, Light Industrial District at 1816 11th Street with added conditions 5 and 6. The Motion was **SECONDED** by Tom Przytulski and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Meeting all applicable Building and Fire Codes.
2. No overnight outside storage of vehicles waiting repair.
3. No Certificate of Occupancy may be issued until all required landscaping have been installed according to Exhibit D.
4. All vehicles waiting for repair shall be currently licensed and registered.
5. There shall be no outside storage of vehicle parts or tires.
6. There shall be no repair of vehicles outside of the building.
7. Submittal of a revised site plan showing location of a dumpster and dumpster enclosure

ZBA 032-07
Findings of Fact for Denial of a Special Use Permit
For a Performance Use Consisting of Auto Sales that Can Not Satisfy
The Performance Criteria of 600 Feet from a Residential District
In an I-1, Light Industrial District at
1816 11th Street

Denial of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit for auto sales will be detrimental to and endanger the public health, safety, morals, comfort and general welfare of the community.
2. The Special Use Permit will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use for auto sales will impede the normal or orderly development and improvement of the surrounding property for uses permitted in the I-1 district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have not been provided.
5. Adequate measures have not been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the I-1 Zoning District in which it is located because the auto sales would be too intense.

ZBA 032-07
Findings of Fact for a Special Use Permit
For a Performance Use Consisting of a Car Wash, Auto Repair and a Tire Shop
That Can Not Satisfy the Performance Criteria of 600 Feet
From a Residential District in an I-1, Light Industrial District at
1816 11th Street

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the I-1 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the I-1 Zoning District in which it is located.

With no further business to come before the Board, the meeting was adjourned at 8:15 P.M.

Respectfully submitted
Sandra A. Hawthorne
Administrative Assistant
Planning Division/Community Development